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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,809	09/19/2001	David R. Evoy	VLSI.304PA	1061

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EXAMINER

CHAI, LONGBIT

ART UNIT PAPER NUMBER

2131

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,809

Applicant(s)

EVOY ET AL.

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/21/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 14 and 16 – 20 have been presented for examination (Examiner notes claim 15 is missing and skipped). Claims 1 – 14 and 16 – 20 have been examined.

Priority

2. No claim for priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in this application is 9/19/2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 3, 5, 7 – 14, and 16 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Doi ("Lock Control System Based on Face Identification", Systems and Computers in Japan, August 1997), hereinafter referred to as Doi.

As per claim 1 and 12, Doi teaches a device security method for verifying an authorized user, comprising:

storing an authorized user video image corresponding to authorized user identity data (Doi: see for example, Page 1 – Summary Line 3 – 4);

receiving a present user video image corresponding to user identity data (Doi: see for example, Page 1 – Summary Line 7 – 8);

determining image differences between the present user video image and the authorized user video image (Doi: see for example, Page 1 – Summary Line 7 – 8); and

in response to the determination of image differences and to a difference threshold level, determining whether to permit device usage (Doi: see for example, Page 1 – Summary Line 1 – 2 and Section 4.1.1 Step 3).

As per claim 2 and 14, Doi teaches the claimed invention as described above (see claim 1 and 12 respectively). Doi further teaches determining a quantity of the image differences between the present user video image and the authorized user video image, and disabling the device if the quantity of image differences exceeds the difference threshold level (Doi: see for example, Page 3, Section 3.5, 2nd and 4th Paragraphs).

As per claim 3, Doi teaches the claimed invention as described above (see claim 1). Doi further teaches the authorized user video image is stored as first

digital pixel data into a first memory, and wherein the present user video image is stored as second digital pixel data into a second memory, and wherein the quantity of image differences are determined quantitatively between the first and second digital pixel data (Doi: see for example, Page 3, Section 4.1.1).

As per claim 5 and 17, Doi teaches the claimed invention as described above (see claim 1 and 16 respectively). Doi further teaches the authorized and present user video images are each framed to include only the head and face portions of the user (Doi: see for example, Section 1, 2nd Paragraph and Page 3, Section 3.5, 2nd and 4th Paragraphs).

As per claim 7, Doi teaches the claimed invention as described above (see claim 1). Doi further teaches the device selected from the group of cellular telephone, videophone, video conferencing equipment, vehicle, and passageway (Doi: see for example, Page 1 – Summary, 1st Sentence).

As per claim 8, Doi teaches the claimed invention as described above (see claim 1). Doi further teaches storing the present user video image in a present user video image log (Doi: see for example, Section 4.2.1, Last Paragraph).

As per claim 9 and 13, Doi teaches the claimed invention as described above (see claim 1 and 12 respectively). Doi further teaches transmitting the

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present user video image to a monitoring station if the differences exceed the difference threshold level (Doi: see for example, Page 3, Section 3.5, 2nd and 4th Paragraphs s).

As per claim 10, Doi teaches the claimed invention as described above (see claim 1). Doi further teaches requesting alternate authorization if the differences exceed the difference threshold level (Doi: see for example, Section 2.1, 2nd Paragraph).

As per claim 11, Doi teaches the claimed invention as described above (see claim 1). Doi further teaches confirming motion within the present user video image before determining quantity of image differences (Doi: see for example, Section 4.2.2, 3rd Paragraph).

As per claim 16, claim 16 does not further teach over claim 1 and 9. Therefore, see same rationale addressed above in rejecting claim 1 and 9.

As per claim 18, Doi teaches the claimed invention as described above (see claim 17). Doi further teaches the image difference information is determined only for selected portions of the authorized and present user video images (Doi: see for example, Section 2.2, 2nd & 3rd – 5th Paragraphs).

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As per claim 19, Doi teaches the claimed invention as described above (see claim 18). Doi further teaches the selected portions include a mouth region and an eyes region of the authorized and present user video images (Doi: see for example, Section 2.2, 2nd & 3rd – 5th Paragraphs).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi (“Lock Control System Based on Face Identification”, Systems and Computers in Japan, August 1997), hereinafter referred to as Doi, in view of Dobashi (Patent Number: US 2001/0031072 A1), hereinafter referred to as Dobashi.

As per claim 4 and 20, Doi teaches the claimed invention as described above (see claim see claim 1 and 16 respectively). Doi does not disclose expressly the present user video image and the authorized user video image are each stored in MPEG4 format.

Dobashi teaches the present user video image and the authorized user video image are each stored in MPEG4 format (Dobashi: see for example, Paragraph [0217]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Dobashi within the system of Doi because Dobashi teaches a method for high accuracy facial image recognition (Dobashi: see for example, Paragraph [0019]).

As per claim 6, Doi teaches the claimed invention as described above (see claim see claim 1). Doi does not disclose expressly the authorized and present user video images are scaled to the same proportions.

Dobashi teaches the authorized and present user video images are scaled to the same proportions (Dobashi: see for example, Figure 14 Element 110c & 110b).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Dobashi within the system of Doi because Dobashi teaches a method for high accuracy facial image recognition (Dobashi: see for example, Paragraph [0019]).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-2788.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LBC

Longbit Chai
Examiner
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12/29/09